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Notice of Allowability

Application No.

09/800,112

Examiner

Thomas Duong

Applicant(s)

NASON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to July 25, 2007.
2. ☒ The allowed claim(s) is/are 22-41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Arguments

1. The Applicants' arguments and amendments filed on July 25, 2007 have been fully considered and are persuasive.

Allowable Subject Matter

2. *Claims 22-41* are allowed. The claims indicated include limitations that the prior arts of record do not appear to teach or render obvious, hence they are allowed.

3. The following is an examiner's statement of reasons for allowance:

As presented in the previous Office Action, Matsumoto et al. (US2001/0026545A1) teaches of a *"PBX 40 and the IP phone device 50 are connected physically through the network-gateway device 30, and thus a signal transmitted from the PBX 40 ... is relayed by the network-gateway device 30, and is received by the IP phone 50"* (Matsumoto, pg.6, para.59).

Also presented in the previous Office Action, Thorton et al. (US006363065B1) teaches *"upon receipt of each of these packets for any one channel, assembles these packets for that channel into proper IP packets with necessary IP headers, including originating and destination IP addresses as well as other required information, and transmits these packets"* (Thorton, col.14, lines 38-43). Hence, Thorton teaches of encapsulating data into IP packets with the appropriate headers, source and destination addresses, and type. Furthermore, Matsumoto teaches *"the IP phone 50 requests the network-*

gatekeeper device 60 to register the IP phone 50 in the PBX 40 by transmitting an IP-terminal-location-registration-request message including its extension and its IP address" (Matsumoto, pg.6, para.61). Hence, Matsumoto implies that there are different types of messages communicating between the PBX and the IP phone according to their "message type". In addition, there is a "device number" for each particular IP phone and that "device number" is maintained via a mapping in the PBX.

However, the prior arts of record fail to teach or suggest individually or in combination as stated in the independent claims for *"encapsulating said message with a Protocol Header and an IP Message body, wherein the Protocol Header includes a Protocol Type indicator denoting whether the message is an IP message or an encapsulated non-IP message, a Device Number for denoting by means of MAC (Media Access Control) an address within said PBX to which said message is to be transmitted or from which said message is to be received, and Message Type for identifying the type of message contained in the IP Message Body; and, transmitting the encapsulated message between said network implemented PBX and said IP phone, the Protocol Type indicator enabling at least one task between said IP phone and said PBX selected from the group consisting of registering said IP phone with the PBX upon phone power up or reset, applying device tones to said IP phone, controlling connection between said IP phone and another phone to establish full-duplex voice paths therebetween, and providing PBX based administrative and telephony functions to said IP phone"* and in combination with other limitations as set forth in the independent claims, as well as Applicants' arguments presented on pages 7-8 of the Preliminary Amendment filed on July 25, 2007. In the fore mentioned amendment, the Applicants argued, *"The prior Final Rejection of claims 22-41 was upheld on appeal, in a Decision mailed June 1, 2007, with the Board noting*

that the Protocol Type as presented in claim 22 was "nonfunctional descriptive material". The applicant has addressed this issue by a more positive recitation of the Protocol Type, as well as linking the Protocol Type indicator to the enhanced call control functionality, as discussed with the Board during oral argument. Support for this amendment is found on page 1, lines 20-26 of the specification, illustrated by the examples in the application. See also page 19, lines 25-28" (pg.7, para.2) and "The Board also referenced a new patent, U.S. patent no. 6,430,196 to Baroudi. While Baroudi appears to be relevant to the present case, there is no teaching or suggestion of a Protocol Type identifying whether a message is IP vs. non-IP. As with the citation of TCP/IP Illustrated, Vol. 1 –The Protocols, the protocol field shown in Figure 2 does not meet the limitation of "a Protocol Type indicator denoting whether the message is an IP message or an encapsulated non-IP message" which enables the functionality identified in amended claim 22. TCP/IP is a suite of protocols where the protocol field identifies which higher level TCP/IP protocol sent the data in question. Neither the Baroudi patent, the cited references, nor TCP/IP protocols in general serve to identify a message as IP vs. non-IP, as clearly recited in claim 22" (pg.7, para.4).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

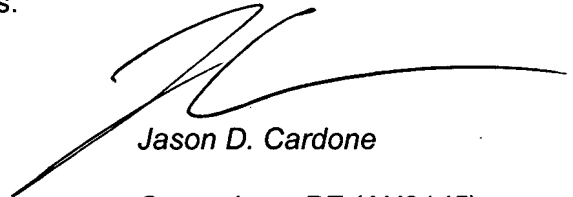
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The

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examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

September 27, 2007

A handwritten signature in black ink, consisting of a stylized 'J' followed by a long horizontal stroke.

Jason D. Cardone

Supervisory PE (AU2145)